

DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Electronically Filed

----- X
AXIS REINSURANCE COMPANY,
Plaintiff,

No. 07-CV-07924-GEL

v.

PHILLIP R. BENNETT, et al.,

Defendants.
----- X

U.S. DISTRICT COURT
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/21/08

In re

Chapter 11

REFCO, INC., et al.,

Case No. 05-60006-RDD

Debtors.
----- X

Jointly Administered

AXIS REINSURANCE COMPANY,

Adv. Proc. No. 07-01712-RDD

Plaintiff,

Reference Withdrawn:

v.

No. 08-CV-03242-GEL

PHILLIP R. BENNETT, et al.,

Appeals:

(1) No. 07-CV-09420-GEL

(2) No. 07-CV-09842-GEL

(3) No. 07-CV-10302-GEL

Defendants.
----- X

TONE N. GRANT, et al.,

Adv. Proc. 07-02005-RDD

consolidated with 07-01712-RDD

Plaintiffs,

Reference Withdrawn:

v.

No. 08-CV-03243-GEL

Appeals:

(1) No. 07-CV-09843-GEL

(2) No. 07-CV-10302-GEL

AXIS REINSURANCE COMPANY,

Defendant.

[caption continued on next page]

-----	X	
LEO R. BREITMAN, et al.,	:	Adv. Proc. No. 07-02032-RDD
	:	<i>consolidated with 07-01712-RDD</i>
	:	<u>Reference Withdrawn:</u>
	:	No. 08-CV-03303-GEL
Plaintiffs,	:	<u>Appeal:</u>
v.	:	(1) No. 07-CV-10302-GEL
	:	
AXIS REINSURANCE COMPANY,	:	
	:	
Defendant.	:	
-----	X	

**STIPULATION TO ADMINISTRATIVELY CLOSE AND/OR
CONSOLIDATE THE CAPTIONED DOCKETS**

WHEREAS, each of the captioned dockets involves the dispute between AXIS Reinsurance Company ("AXIS") and its Insureds;

WHEREAS, docket number 08-CV-03242-GEL contains the Officer counterclaims (to AXIS's Bankruptcy Court adversary action, which was dismissed by the Bankruptcy Court);

WHEREAS, docket number 07-CV-07924-GEL is the complaint AXIS filed in the District Court, which has not been served;

WHEREAS, the remaining docket numbers represent matters which have now been fully adjudicated; and

WHEREAS, it was agreed by the parties that the dockets for those matters which have been fully adjudicated should be closed, and the remaining dockets should be administratively consolidated, at this time;

NOW THEREFORE, it is hereby stipulated, consented and agreed to, by and among the parties hereto, as follows:

1. Subject to further order of this Court, dockets 07-CV-07924-GEL and 08-CV-03242-GEL shall be administratively consolidated pursuant to Federal Rule of Civil Procedure 42(a), and hereafter all documents filed in connection with either of those dockets will be made under docket number 07-CV-07924-GEL, and shall bear the following caption:

-----	X	
IN RE:	:	
	:	No. 07-CV-07924-GEL
AXIS REINSURANCE COMPANY REFCO	:	
RELATED INSURANCE LITIGATION	:	
	:	
-----	X	

2. Subject to further order of this Court, Docket Nos. 07-CV-09420-GEL, 07-CV-09842-GEL, 07-CV-09843-GEL, 07-CV-10302-GEL, 08-CV-03243-GEL, and 08-CV-03303-GEL shall be closed.

3. AXIS shall file an amended complaint on or before July 25, 2008 via ECF and email notification;

4. The Insureds agree to waive service of AXIS's amended complaint; and

5. The Insureds shall file answers or otherwise respond to AXIS's amended complaint on or before August 22, 2008.

KAUFMAN BORGEEST & RYAN LLP

/s/ Robert A. Benjamin
Joan M. Gilbride (JG-6238)
Robert A. Benjamin (RB-9891)
200 Summit Lake Drive
Valhalla, New York 10510
Attorneys for AXIS Reinsurance Company

WEIL, GOTSHAL & MANGES LLP

/s/ Michael J. Walsh
Greg A. Danilow (GD-1621)
Michael F. Walsh (MW-8000)
767 Fifth Avenue
New York, New York 10153
Attorneys for Leo R. Breitman, Nathan Gantcher, David V. Harkins, Scott L. Jaeckel, Thomas H. Lee, Ronald L. O'Kelley and Scott A. Schoen

ZUCKERMAN SPAEDER LLP

/s/ Norman L. Eisen

Norman L. Eisen (*pro hac vice*)
1540 Broadway, Suite 1604
New York, New York 10036
Attorneys for Tone N. Grant

**GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP**

/s/ Jeffrey T. Golenbock

Jeffrey T. Golenbock (JG-2217)
437 Madison Avenue, 35th Floor
New York, New York 10022
Attorneys for Phillip R. Bennett

**MORVILLO, ABRAMOWITZ, GRAND,
IASON, ANELLO & BOHRER, P.C.**

/s/ Barbara Moses

Barbara Moses (BM-2952)
565 Fifth Avenue
New York, New York 10017
Attorneys for Robert C. Trosten

/s/ John J. Jerome

John J. Jerome (JJ-2413)
245 Park Avenue-24th Floor,
New York, New York 10595
Attorneys for Joseph Murphy

HELLER EHRMAN LLP

/s/ Richard Cashman

Richard Cashman (RC-4769)
Times Square Tower
7 Times Square
New York, New York 10036
Attorneys for Philip Silverman

KATTEN MUCHIN ROSENMAN LLP

/s/ Helen B. Kim

Helen B. Kim (HK-8757)
2029 Century Park East, Suite 2600
Los Angeles, CA 90067
Attorneys for Dennis Klejna

FRIEDMAN & WITTENSTEIN, PC

/s/ Ivan Kline

Stuart I. Friedman (SF-9186)
Ivan Kline (IK-9591)
600 Lexington Avenue
New York, New York 10022
*Attorneys for William M. Sexton and Gerald
M. Sherer*

SO ORDERED this 21st day of July, 2008.


UNITED STATES DISTRICT JUDGE